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May 5, 2004

Honorable Harold Rogers, Chairman
House Appropriations Committee
Subcommittee on Homeland Security
H-218 Capitol
Washington DC 20515

Honorable Martin Sabo, Ranking Member
House Appropriations Committee
Subcommittee on Homeland Security
1016 Longworth HOB
Washington DC 20515

Dear Chairman Rogers and Ranking Member Sabo:

I am writing to ask you to deny a reprogramming request you have recently received from the Department of Homeland Security (DHS) concerning the Metropolitan Medical Response System (MMRS).

MMRS was established in the wake of the terrorist release of sarin nerve gas in a Tokyo subway in 1995. The program provides funds to 124 municipal authorities in 43 states, to coordinate local first responders in reacting to terrorist WMD events, including biological, chemical and radiological attacks. Although the President's FY2004 budget request included no money for MMRS, Congress wisely appropriated \$50 million for the program. As you know, the President's FY2005 budget request also includes no money for MMRS.

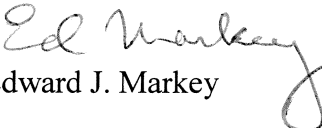
As you know, in her April 27, 2004 letter requesting reprogramming authority Under Secretary for Management Janet Hale indicates that the reprogrammed funds would be used for buying anthrax vaccine pharmaceuticals for the Strategic National Stockpile (SNS). However, the FY2004 Homeland Security Appropriations Act included \$400 million for maintenance of the SNS. In addition, \$890 million is available in the Biodefense Countermeasures section that is intended for purchases of new countermeasures for the SNS. The Department of Health and Human Services, which is collaborating with DHS in the allocation of these funds, has already indicated it plans to use these funds to acquire a new anthrax vaccine. Finally, based on information shared by the Departments to date, there has been no significant change in the anthrax threat since the Fall of 2001 or in the availability of existing anthrax vaccine. Thus, further explanation for the urgency of this redirection of funds should be required before it is approved. Without further justification for this urgency, it appears that DHS has been given sufficient funds to stock the SNS and does not need to dismantle MMRS for an additional \$40 million for this purpose.

DHS has displayed a remarkable antipathy to MMRS, and has given misleading or inaccurate testimony to Congress about its intentions for the program. We understand that on March 19, 2004, the Director of the Preparedness Division at DHS was privately instructed to “redirect” 80% of MMRS’ \$50 million FY2004 funds to the Office of Management and Budget (OMB). However, on March 24, 2004, DHS Under Secretary Michael Brown testified before your subcommittee that MMRS funds would be expended as appropriated. I pointed out this glaring inconsistency to Secretary Tom Ridge in a March 29, 2004 letter, reminding the Secretary that by law, the House and Senate Appropriations Committees must be notified 15 days in advance of any significant reprogramming of these funds.

The threat to American cities from biological, chemical and radiological terrorist attack must not be underestimated. The radiological threat stems from the fact that al Qaeda is seeking materials for dirty bombs in North America¹ and that the Nuclear Regulatory Commission admits that hundreds of radiological sources have been lost or stolen in the past five years. The Code Orange alert issued December 21, 2003 – while many Americans were traveling for the holiday season – was due to specific concerns about possible terrorist dirty bomb attacks.²

MMRS is an important component of our national terrorist disaster response strategy, and is one of the few programs that specifically addresses the dirty bomb terrorist threat. Due to its importance and the lack of justification to support its reprogramming, I believe the \$40 million budget is not needed to improve the SNS. I urge you to deny this request.

Sincerely,


Edward J. Markey

¹ See “Al Qaeda pursued a ‘dirty bomb’,” *Washington Times*, October 17, 2003.

² See “‘Dirty Bomb’ was major new year’s worry,” *Washington Post*, January 7, 2004.